

REMARKS

Claims 21-43 remain in the present application. Claim 43 has been amended.

In the Office Action dated September 21, 2004, the Examiner objected to the specification of the present application given that the Abstract of the Disclosure did not commence on a separate sheet in accordance with 37 CFR §1.52(b)(4). Accordingly, Applicant is submitting herewith the requested Abstract on a separate sheet. Therefore, Applicant respectfully requests that the objection to the specification be withdrawn.

The Examiner then rejected claims 21-43 of the present application under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Each of the Examiner's three concerns will be separately addressed below.

The Examiner stated that "claim 21 is confusing, if the first fixed part supports the second transmission mode and also the first transmission mode. For examination purposes only, the Examiner shall take the claim in alternative form." Applicant respectfully submits that this fundamental misunderstanding bears on the overall patentability of the claimed invention and, further, renders the Examiner's substantive review wholly inaccurate. Indeed, pursuant to the claimed invention, the first fixed part does, in fact, support both the first and second transmission modes. Conversely, the second fixed part merely supports the first transmission mode. Taken in conjunction with the Detailed Description of the present invention, it should not at all be unclear as to how the first and second fixed parts operate/co-operate with respect to the respective transmission modes.

The Examiner also stated that in claim 21, it was unclear what was meant by "information item." Applicant respectfully submits that such term is relatively standard in this field of art. It should not be confusing that the "first system information item" is merely a first signal which is transmitted from the first fixed part to the at least one portable part. Similarly, the "second system information item" is merely a further signal which is sent from the second fixed part to the at least one portable part. Applicant is, quite frankly, somewhat dumbfounded at the confusion over such a simple term.

The Examiner went on to state that "in claim 43, all abbreviations, symbols, acrynomns... must be positively defined and identified in the claims." Applicant presumes that the Examiner

is referring to the acronym "DECT." While this is a very well known and understandable communications standard in this field of art, Applicant has amended claim 43 to spell out that this is a "*Digital Enhanced Cordless Telephone*" standard.

For all of the reasons stated above, Applicant respectfully submits that all of the claims of the present application clearly are not indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, Applicant respectfully requests the withdrawal of the Examiner's rejection under 35 U.S.C. §112, second paragraph.

The Examiner then rejected, in particular, independent claim 21 of the present application under 35 U.S.C. §102(b) as being clearly anticipated by Schmidt (U.S. Patent No. 4,748,681). For the following reasons, Applicant respectfully traverses the Examiner's rejection and respectfully requests the withdrawal thereof. Independent claim 21 of the present application clearly requires "operating, in at least one radio cell of the radiotelecommunication system, at least two fixed parts and at least one portable part for purposes of wireless telecommunication." Applicant respectfully submits that Schmidt fails as a *prima facie* reference since nowhere is it taught or suggested to have at least two fixed parts (base stations) in a single radio cell. Indeed, even the passages and figures which the Examiner extracted from the Schmidt reference clearly show only a single base station in each respective radio cell. Indeed, Schmidt is merely directed to a telecommunication system whereby a single base station is respectively operated in a single radio cell, whereby each of the radio cells respectively has a number of different mobile parts requiring different services, and whereby each base station supports these different services at least in part and communicates the supported services to the different mobile parts.

Thus, even further, the Schmidt references does not teach or suggest, nor even contemplate, that a second base station in a radio cell, depending upon the traffic load of a first base station in the same radio cell, signals that it supports a second transmission mode or both a first and second transmission mode. Schmidt, in fact, states that it is particularly advantageous when one single base station offers different services whereby, independent of any other base station and certainly independent of its traffic load, it only signals which services are available. Accordingly, Applicant respectfully submits that Schmidt does not teach or suggest the claimed "signaling" via the respective first and second fixed parts in the same radio cell.

In light of the above, Applicant respectfully submits that the independent claim 21 of the present application, as well as claims 22-43 which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

It is further acknowledged that a two month extension of time of \$450.00 is due in connection with this response at this time. However, if any fees are due in connection with this application as a whole, the Examiner is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-250) on the account statement.

Respectfully submitted,

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